



PATENT
Customer No. 22,852
Attorney Docket No. 09354.0003-00 (Previously 07336.0003-00)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Mariko OKAMOTO et al.) Group Art Unit: 1618
Application No.: 09/667,420) Examiner: B. FUBARA
Filed: September 21, 2000) Confirmation No. 8873
For: GEL COMPOSITION AND ITS USE IN) Notice of Allowance
COSMETIC COMPOSITIONS AND) dated December 20, 2006
THE LIKE)

MAIL STOP ISSUE FEE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Applicants thank the Examiner for the Notice of Allowability and Statement of Reasons for Allowance dated December 20, 2006. Without withdrawing the claims from issue, Applicants submit these comments to clarify the record.

The Examiner states in the Reasons for Allowance that “[t]he pending claims are allowable in [that] the closest prior art, JP 11-21227[,] does not disclose the use of pigment or filler that is surface treated with a fluorine compound.” Notice of Allowability, page 2. Applicants agree with the Examiner’s conclusion of allowance, but respectfully submit that the reason provided by the Examiner for allowance is not complete, as discussed below.

On the record, the Examiner has maintained the rejection of claims 1-4, 6-10, and 18-41 under 35 U.S.C. § 103(a) as being unpatentable over Japanese Application No. JP 11-021227 and U.S. Patent No. 5,976,510 to Cernasov et al. ("Cernasov"). Final Office Action dated March 24, 2005, pages 2-5. The Board of Patent Appeals and Interferences ("the Board") reversed the Examiner's rejection in the opinion dated November 2, 2006, in which, on page 5, the Board concludes that "[t]he decision of the Examiner to reject claims 1-4, 6-10, and 18-41 under 35 U.S.C. § 103(a) as being unpatentable over the combined teachings of JP 11-021227 and Cernasov is reversed." (Emphasis added). Therefore, Applicants respectfully submit that not only "[t]he closest prior art "JP 11-21227," but also Cernasov, as well as all of the references that have been considered by the Examiner during the prosecution of this application, do not teach or suggest the claimed invention.

Please grant any extensions of time required to enter these Comments and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

MICHELE C. BOSCH
REG. NO. 40,584

Dated: March 14, 2007

By: Michele C. Bosch
Ningling Wang
for Reg. No. 52,412